

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

RYAN'S FAMILY STEAK HOUSES, INC.,

Defendant.

CIVIL ACTION NO.

1:04-cv-0006

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to employees who were adversely affected by the practices. The Commission alleges that Defendant Ryan's Family Steak Houses, Inc. discriminated against Christina J. Scruggs and other similarly situated female employees because of their sex, female. The Commission further alleges that Defendant constructively discharged Christina J. Scruggs.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f) (1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, Defendant Ryan's Family Steak Houses, Inc. has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Jacksonville and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Ryan's Family Steak Houses, Inc. has continuously been an employer engaged in an industry affecting commerce under Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Christina J. Scruggs filed a charge with the Commission alleging violations of Title VII of the Civil Rights Act by Defendant Ryan's Family Steak Houses, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least December 1998, Defendant Ryan's Family Steak Houses, Inc. has engaged in unlawful employment practices at one of its restaurants located in Shelby, North Carolina, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1), as set forth below.

- a. Defendant subjected Christina J. Scruggs and other similarly situated female employees to discrimination based on their sex by subjecting them to a sexually hostile work environment. The sexual harassment included unwelcome sexual touching, comments, and advances by a supervisor. Although the women complained about the sexual harassment, and Defendant otherwise knew or reasonably should have known about the sexual harassment, Defendant failed to take appropriate action to stop it.

b. Defendant constructively discharged Christina J. Scruggs by maintaining a sexually hostile work environment and by persistently failing to take appropriate action to stop the harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Christina J. Scruggs and other similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Christina J. Scruggs and other similarly situated female employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Ryan's Family Steak Houses, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from sexual harassment or any other employment practice that discriminates on the basis of sex and from retaliating against employees who oppose unlawful discrimination or participate in an investigation of unlawful discrimination .

B. Order Defendant Ryan's Family Steak Houses, Inc. to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Ryan's Family Steak Houses, Inc. to make whole Christina J. Scruggs by providing appropriate back-pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment

practices, including but not limited to reinstatement.

D. Order Ryan's Family Steak Houses, Inc. to make whole Christina J. Scruggs and other similarly situated female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

E. Order Ryan's Family Steak Houses, Inc. to make whole Christina J. Scruggs and other similarly situated female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant Ryan's Family Steak Houses, Inc. to pay Christina J. Scruggs and other similarly situated female employees punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 8th day of January 2004.

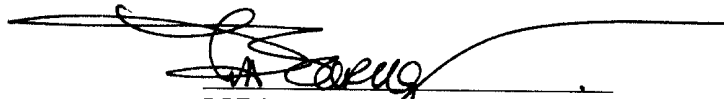
Respectfully submitted,

ERIC S. DREIBAND
General Counsel

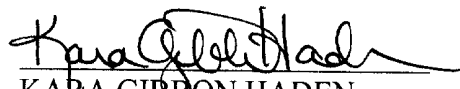
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